REMARKS

The Applicant has carefully considered the Examiner's comments in the prosecution of this application to date, including the Advisory Action of 1 May 2009. Previously pending claims 1, 2, 5-8, 10, 11, and 14-17 stood rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt Jr. et al. (US6778642) ("Schmidt") in view of Keyworth II et al. (US 5579472) ("Keyworth") and DeCarmo (USPA 20040010808) ("DeCarmo"). Claims 3, 4, 12 and 13 stood rejected under 35 U.S.C. 103(a) as being unpatentable by Schmidt Jr., Keyworth II, and DeCarmo in further view of Dong (US 6571275) ("Dong"). The Applicant submits that the claims, as amended, are patentable over the cited prior art references.

Schmidt's "filtering functionality" would destroy the "real-time" functionality of Keyworth

All claim rejections were premised on a combination of Keyworth and DeCarmo with Schmidt. The Applicant previously submitted that the combination of Keyworth and Schmidt resulted in an unworkable system that destroyed the functionality of Keyworth. The Examiner responded, in the Advisory Action, that "[b]oth references provide a filtering functionality and the addition of Schmidt would only serve to add to that filtering functionality."

The Applicant respectfully disagrees. The assertion that references provide a "filtering functionality" is not sufficient justification for combining them, particularly when the layering of these functions results in inefficiencies that detract from the benefits promised in one of the references.

Keyworth promises the person of ordinary skill in the art that its system and method allow the subscriber to enjoy "real-time status of communications with members of [a designated group] on a real-time basis" (column 2, lines 61-63). See also the Keyworth column 9, line 52 to column 10, 25, which describes the processing of incoming wireless messages. Schmidt requires the laborious "filtering" and assignment of identifiers:

> … USM server 340 determines whether the message is a voice mail message. If the message is a voice mail message, then UMS server 340 assigns the new message a voice mail type identifier (step 914). Next, UMS server asks whether

the message is a text message... In the next step, UMS server 340 assigns the new message a facsimile type identifier because the message is found to be neither of a voice mail type message nor an electronic mail type of message (step 920). (col. 6, line 58 to col. 7, line 3)

By combining Keyworth and Schmidt, the Examiner would have yet further processing and "filtering"—whether needed or not—applied to the system and method of Keyworth. The consequence of this combination is a lag in the otherwise "real-time" promise of Keyworth, as additional processing steps would be incurred when messages are received. The person of ordinary skill in the art would be led *away* from the combination of Keyworth and Schmidt, because the result would detract from the desirable features of Keyworth. As submitted in the Applicant's previous response, if a proposed modification would render the prior art system unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification: *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Amended claims are patentable over the cited art

The claims have been further amended to clarify the recited limitations. Claims 1 and 10 have been amended to clarify that the "ordered listing of message body fragments" comprises more than one such fragment ("... from each of said retrieved messages", wherein at least one message is retrieved from each of a plurality of message stores).

In addition, claims 2, 3, 11 and 12 have been amended to recite particular different "message types". Claims 5 and 14 have been amended to recite the limitation that "the plurality of heterogeneous messages comprise at least one e-mail message and at least one SMS message".

Claims 7 and 16 have been amended to recite the limitation that the "matching criterion comprises a text string".

Claims 8 and 17 have been amended to recite that "the ordered listing comprises message body fragments associated with retrieved messages from a plurality of individuals", and claims 9 and 18, respectively, further limit these claims to provide that the plurality of individuals comprises a user associated with the communications device. In other words, claims 9 and 18 provide that the

"message body fragments" of the "ordered listing" include fragments from the messages of the user of the communications device. This feature provides an enhancement to the "conversational paradigm" and is illustrated in Figure 5b of the present application. The cited prior art, by contrast, is directed only to the presentation of messages *received* from senders.
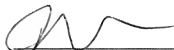
Therefore, the Applicant submits that the claims, as amended, are patentable over the cited art.

Conclusion

No new subject matter has been added by this amendment. In view of the above submissions, the Applicant submits that this application is in condition for allowance. Entry of these amendments and allowance of this application are respectfully requested.

A Petition for an Extension of Time requesting an extension of two months for filing the subject response is enclosed. The Commissioner is authorized to charge any deficiency or credit any overpayment in the fees for same to our Deposit Account No. 500663.

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